

AMENDED IN ASSEMBLY JULY 9, 2009

AMENDED IN SENATE JUNE 1, 2009

AMENDED IN SENATE APRIL 13, 2009

**SENATE BILL**

**No. 229**

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**Introduced by Senator Pavley**

February 23, 2009

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~~An act to amend Sections 150, 151, 152, and 153 of, and to add Section 167 to, and to repeal Section 162 of, the Water Code, An act relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 229, as amended, Pavley. ~~California Water Commission: Bay-Delta Water: Sacramento-San Joaquin Delta.~~

*Existing law requires the Secretary of the Resources Agency to convene a committee to develop and submit to the Governor and the Legislature, on or before December 31, 2008, recommendations for implementing a specified strategic plan relating to the sustainable management of the Sacramento-San Joaquin Delta.*

*This bill would declare legislative intent to enact legislation to authorize actions to be undertaken prior to the adoption of a comprehensive Sacramento-San Joaquin Delta Plan.*

~~Existing law establishes the 9-member California Water Commission in the Department of Water Resources and requires the commission to conduct an annual review of the progress and operation of the State Water Project and to carry out various other related functions.~~

~~This bill would revise the membership and functions of the commission. The bill would establish the commission in state government as an independent commission. The commission would~~

~~consist of 5 members appointed by the Governor and subject to the confirmation of the Senate. The bill would require the commission to serve as lead agency to implement projects recommended by the final environmental impact report of the Bay-Delta Conservation Plan, or delegate these responsibilities to other appropriate state or local entities. The commission would be required to identify and prioritize early action projects and programs for achieving specified goals for the Sacramento-San Joaquin Delta, and select a watermaster to enforce all laws that are relevant to the successful implementation of the Bay-Delta Conservation Plan. The commission would be required to establish and impose a per-acre-foot fee on water diversions within the Sacramento-San Joaquin Delta watershed, and a fee on any water conveyed through or around the Sacramento-San Joaquin Delta that may be used, upon appropriation by the Legislature, to fund the commission's responsibilities under the bill.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. It is the intent of the Legislature to enact~~  
2     ~~legislation to authorize actions to be undertaken prior to the~~  
3     ~~adoption of a comprehensive Sacramento-San Joaquin Delta Plan.~~

4     ~~SECTION 1. Section 150 of the Water Code is amended to~~  
5     ~~read:~~

6     ~~150. (a) There is in state government the California Water~~  
7     ~~Commission, an independent commission. In addition to its other~~  
8     ~~duties and responsibilities contained in this article, the commission~~  
9     ~~shall focus on early action projects and measures in the~~  
10    ~~Sacramento-San Joaquin Delta as described in Section 167.~~

11    ~~(b) As used in this article, "commission" means the California~~  
12    ~~Water Commission.~~

13    ~~SEC. 2. Section 151 of the Water Code is amended to read:~~

14    ~~151. The commission consists of five members who are~~  
15    ~~appointed by the Governor and subject to confirmation by the~~  
16    ~~Senate, as provided in this article.~~

17    ~~SEC. 3. Section 152 of the Water Code is amended to read:~~

18    ~~152. Members of the commission shall be selected and~~  
19    ~~approved for appointment on the basis of their general educational~~  
20    ~~and business qualifications, and their knowledge of, interest in,~~

1 and experience with problems relating to the control, storage, and  
2 beneficial use of water. The membership shall be appointed from  
3 all parts of the state so far as it is practicable. Members shall  
4 represent the public interest.

5 SEC. 4. Section 153 of the Water Code is amended to read:

6 153. The Governor shall appoint the initial five members of  
7 the commission on or before January 15, 2010. The members shall  
8 serve staggered terms. The terms of the members of the  
9 commission shall expire as follows: one member on January 15,  
10 2011, two members on January 15, 2012, and two members on  
11 January 15, 2013. The members of the commission shall allocate  
12 the initial terms among themselves by lot or other random method.  
13 The terms of the successors to the initial members shall be for four  
14 years as provided in Section 154.

15 SEC. 5. Section 162 of the Water Code is repealed.

16 SEC. 6. Section 167 is added to the Water Code, to read:

17 167. (a) The commission shall serve as lead agency to  
18 implement projects recommended by the final environmental  
19 impact report of the Bay-Delta Conservation Plan. The commission  
20 may enter into agreements with appropriate state agencies to  
21 provide technical assistance that may be necessary to implement  
22 specific projects. The commission may delegate lead agency status  
23 for projects in the Bay-Delta Conservation Plan to other appropriate  
24 state or local entities.

25 (b) The commission shall identify and prioritize early action  
26 projects and programs necessary for achieving the two primary  
27 goals for the Sacramento-San Joaquin Delta of restoring the Delta  
28 ecosystem and creating a more reliable supply of water for  
29 California, while also recognizing the unique values of the Delta.

30 (c) (1) The commission shall select at least one individual to  
31 serve as a watermaster who shall be charged with the responsibility  
32 of enforcing all laws that are relevant to the successful  
33 implementation of the Bay-Delta Conservation Plan. The  
34 watermaster shall notify the commission of any action of the  
35 Natural Resources Agency, the state board, or any other  
36 governmental entity that is inconsistent with this article.

37 (2) Watermaster decisions may be appealed by an affected party  
38 to the chair of the state board. The chair may stay decisions if he  
39 or she determines that the decision of the watermaster was not  
40 supported by substantial evidence in the record. An order of the

1 ~~chair of the state board pursuant to this subdivision that stays an~~  
2 ~~order of the watermaster shall be set for hearing before the full~~  
3 ~~state board at the earliest possible meeting.~~  
4 ~~(d) The commission shall establish and impose a per-acre-foot~~  
5 ~~fee on water diversions within the Sacramento-San Joaquin Delta~~  
6 ~~watershed, and a fee on any water conveyed through or around the~~  
7 ~~Sacramento-San Joaquin Delta. The costs of the commission to~~  
8 ~~implement this section shall be paid, upon appropriation by the~~  
9 ~~Legislature, from this fee or similar fee revenues collected by~~  
10 ~~another state agency.~~

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